

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

Sr. No.203

**Date of Decision : April 20, 2022**

**CWP No.9511 of 2016**

Rajpati

...Petitioner

Versus

Union of India and others

...Respondents

**2.**

**CWP No.10173 of 2016**

Rajpati

...Petitioner

Versus

Union of India and others

...Respondents

**3.**

**CWP No.10236 of 2016**

Rajpati

...Petitioner

Versus

Union of India and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present: Mr. Jagdish Manchanda, Advocate,  
for the petitioner (in CWP Nos.9511, 10173 & 10236 of 2016).

Mr. Ankur Sharma, Senior Panel Counsel,  
for respondent No.1-UI (in CWP-9511 of 2016).

Mr. Ashish Kapoor, Advocate, for respondents No.2 to 4.

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**SUDHIR MITTAL, J. (ORAL)**

This order shall dispose of CWP Nos.9511, 10173 & 10236 of 2016 as identical questions of facts and law are involved in all of them. For ease, facts are being extracted from CWP No.9511 of 2016.

2. The petitioner-Rajpati applied for LPG distributorship pursuant

to an advertisement dated 20.11.2013. The application was made in SC/ST Category. This was rejected vide order dated 27.03.2016 being ineligible as the petitioner did not possess any land for establishment of godown/showroom. Thus, the present writ petition has been filed.

3. Learned counsel for the petitioner has argued that Clause 11.7 of the Brochure containing Guidelines for Selection of Regular LPG Distributors (Annexure P-2) provides for financial assistance to SC/ST candidates. The petitioner had applied for the said financial assistance as is apparent from her application (Annexure P-3) and thus, rejection of her candidature being ineligible was illegal.

4. Detailed written statement has been filed on behalf of the Indian Oil Corporation wherein it has been stated that Clause 11.7 of the Brochure does not apply to the case of the petitioner as land has not been offered. The said Clause is only for financial assistance for providing delivery infrastructure. Provision of land for showroom/godown was an essential condition as is evident from Clause 6.1 (vii) & (viii). Thus, the writ petition has no merit and deserves to be dismissed.

5. Clause 11.7 of the Brochure (Annexure P-2) is reproduced below for ready reference:

**“7. Scheme of Financial Assistance to SC/ST Category Distributorships**

*The Selected Candidate for the location reserved under SC/ST category has the option to avail the following Financial Assistance Scheme:*

*OMCs shall facilitate the selected candidate in obtaining the loan from scheduled commercial bank for providing the LPG Godown, Showroom and LPG cylinder delivery*

*infrastructure. In this regard, if the banks require any margin money to be invested by the candidate in providing the above mentioned facilities, OMCs shall extend Financial assistance by way of a secured loan towards such margin money. The margin money shall however be limited to Rs.1 Lakh for Urban market Distributorships and Rs.0.60 lakh for Urban-Rural & Rural market Distributorship or 20% of the total project cost against which the loan has been sanctioned by Bank, whichever is lower.*

*The secured loan towards the margin money will be provided to Distributorships reserved for SC/ST categories at (SBI PLR + 1 %) interest per annum. This loan as well as interest will be recovered at the rate of 20% of distributor's commission.*

*Adequate working capital loan at (SBI PLR + 1 %) interest per annum, for a full operation cycle of the operation of the distributorship will also be provided. Both the working capital as well as interest thereon will be recovered in 100 equal monthly installments from the 13th month of commissioning of the Distributorship.”*

**6. Clause 6.1 (vii) & (viii) are also reproduced below:-**

*“6.1 Common Eligibility Criteria for all Categories applying as Individual*

*The applicant should*

*i. xxxxx to vi xxxxx*

*vii Should own as on the last date for submission of application as specified in the advertisement or corrigendum (if any) :*

*a plot of land of minimum dimensions 25 M x 30 M (within 15 km from municipal/town/village limits of the location offered in the same State) for construction of LPG Godown for storage of 8000 Kg of LPG in cylinders. The plot of land*

*for construction of godown not meeting the minimum dimensions of 25 M x 30 M will not be considered.*

*Or*

*a ready LPG cylinder storage godown (within 15 km from municipal/town/village limits of the location offered in the same State) of 8000 Kg capacity.*

*In case there are any state specific requirements/norms applicable for construction of the LPG Godown, then the same will be applicable for the respective Regular Distributorship locations and revised minimum dimensions of plot of land will be required as specified in the Advertisement of that respective State.*

*The plot of land or ready LPG cylinder storage godown should be freely accessible through all weather motorable approach road (public road or private road connecting road connecting to the public road). In case of private road connecting to the public road, the same should belong to the applicant/member of Family Unit (as per the multiple dealership/distributorship norm of eligibility criteria) as per the ownership criteria defined below. In case of ownership/co-ownership by family member(s) in respect of such private road, consent letter from respective family member(s) will be required.*

*The land should also be plain, in one contiguous plot, free from live overhead power transmission or telephone lines. Canals/Drainage/Nallahs should not be passing through the plot. The land for construction of LPG godown should also meet the norms of various statutory bodies such as PWD/Highway authorities/ Town and Country Planning Department etc.*

*In case an applicant has more than one suitable plot for construction of godown for storage of minimum 8000 Kg of LPG in cylinders or ready LPG cylinder storage godown as on the last date for submission of application as specified in*

*the advertisement or corrigendum (if any), the details of the same can also be provided in the application.*

*(viii) Own a suitable shop of minimum size 3 metres by 4.5 metre in dimension or a plot of land for construction of showroom of minimum size 3 metres by 4.5 metre as on the last date for submission of application as specified in the advertisement or corrigendum (if any) at the advertised location or locality mentioned in the advertisement. It should be easily accessible to general public through a suitable approach road.*

*In case an applicant has more than one shop of minimum size 3 metre by 4.5 metre in dimension or a plot of land for construction of showroom of minimum size 3 metre by 4.5 metre as on the last date for submission of application as specified in the advertisement or corrigendum (if any) at the advertised location or locality as specified in the advertisement, the details of the same can also be provided in the application.”*

7. A perusal of the aforementioned Clauses makes it abundantly clear that one of the pre-requisites for application was availability of land for showroom as well as godown. Clause 11.7 only refers to provision of financial assistance for construction of godown, showroom and delivery infrastructure. It does not provide for financial assistance to purchase land for godown/shop nor is it in the nature of an exception to Clauses 6.1(vii) & 6.1(viii).

8. Learned counsel for the petitioner has also argued that identically situated person namely Smt. Nirmala Devi was invited for draw of lots as is evident from communication dated 08.11.2017 (Annexure P-6). Her application is Annexure P-7 on record. Being an instrumentality of the

State, the Oil Company cannot be permitted to discriminate between identically situated persons.

9. This argument is also misplaced as the application (Annexure P-7) clearly shows that the details of purchase of land as well as discussions thereof have been mentioned in column Nos.5 & 6. Moreover, the said application was not submitted pursuant to advertisement dated 20.11.2013 and thus, it cannot be argued that Smt. Nirmala Devi was identically situated as the petitioner. The relevant guidelines may have changed. The record does not suggest that the same were identical at the time when the petitioner applied and at the time when Annexure P-7 was submitted.

10. For the aforementioned reasons, the writ petition has no merit and is dismissed.

**April 20, 2022**

*Ankur*

**(SUDHIR MITTAL)  
JUDGE**

Whether speaking/reasoned Yes

Whether Reportable Yes